

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Lacey Leroy McClam Jr.,
PETITIONER

v.

United States of America,

RESPONDENT

Crim. No. 4:07-cr-01277-TLW-1
C/A No. 4:15-cv-04936-TLW

Order

Before the Court is Petitioner Lacey Leroy McClam Jr.’s motion for reconsideration of the Court’s order dismissing Petitioner’s § 2255 petition. A Rule 59(e) motion may only be granted “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice. It is an extraordinary remedy that should be applied sparingly.” *Mayfield v. Nat’l Ass’n for Stock Car Auto Racing, Inc.*, 674 F.3d 369, 378 (4th Cir. 2012) (citations omitted).

In Petitioner’s motion to reconsider, he argues that the Court has jurisdiction to consider his petition because he “is not challenging the sentence collaterally,” and is instead “asking this Court to correct his sentence based on an oversight in the guideline range calculation.” ECF No. 234 at 1. The Court has carefully reviewed Petitioner’s motion and concludes that he has not set forth sufficient grounds to cause the Court to alter or amend its prior order, as his challenge to his guideline calculation is an attack on his sentence under § 2255(a). Accordingly, his motion for reconsideration, ECF No. 234, is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

Chief United States District Judge

January 13, 2016
Columbia, South Carolina